

The 4th March, 1986

No. 9/7/86-6Lab/1249.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s.-(i) Managing Director, Confed, 1015/22-B, Chandigarh, (ii) District Manager, Confed, Rohtak :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 21 of 1985

between

SHRI PARTAP SINGH, WORKMAN AND THE MANAGEMENT OF M/S. (i) MANAGING DIRECTOR,
CONFED, 1015/22-B, CHANDIGARH, (ii) DISTRICT MANAGER, CONFED, ROHTAK.

Present.—

Shri H. R. Vats, A. R., for the workman.

Shri M. C. Bhardwaj, A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 the Governor of Haryana referred the following dispute between the workman Shri Partap Singh and the management of M/s. (i) Managing Director, Confed, 1015/22-B, Chandigarh, (ii) District Manager, Confed, Rohtak, to this Court, for adjudication,—vide Haryana Government Notification No. 7070/56, dated 25th February, 1985 :—

Whether the termination of services of Shri Partap Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Salesman,—vide order dated 7th April, 1981 and that the respondent choose to terminate his service on trumped up charges, into which, a domestic probe was held by the District Food and Supply Officer, Faridabad, who filed a report completely exonerating the petitioner, but even then, the respondent choose to terminate his services,—vide order, dated 24th August, 1981 and that the order of termination is illegal and unjustified.

3. In the reply filed by the respondent, preliminary objections taken are that the provision of section 102 read with section 128 of the Haryana Co-operative Societies Act, 1984 bars the jurisdiction of this court to try the present reference and that the respondent is not an "industry" as defined in section 2 (J) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) and that the present claim is belated. Another objection taken is that the workman had not completed 240 days of actual work with the respondent on the date of his termination and as such, he cannot avail of the benefits provided under the said Act. On merits, reply runs on same the lines.

4. On the pleadings of the parties the following issues were settled for decision by me on 16th August, 1985 :

1. Whether the reference is bad in law? OPR.
2. Whether the respondent is not an "Industry" as defined in section 2 (j) of the I. D. Act, 1947?
3. Whether the claim of the workman is time barred?
4. Whether the termination of services of Shri Partap Singh is justified and in order? If not, to what relief is he entitled?
5. The petitioner himself appeared as WW-1 and the respondent examined Shri Ram Dhan, Assistant Manager as MW-1.
6. Heard.

Issue No. 1

7. This Court has already held while deciding a bunch of applications filed by various plants/Federations/Concerns/Societies registered under the erstwhile Punjab Co-operative Societies Act that section 102 read with section 128 of the Haryana Co-operative Societies Act, 1984 does not bar the jurisdiction of this Court to try the present reference. So, on this ground, the respondent fails.

Issue No. 2

8. This issue was not pressed at the bar on behalf of the respondent and rightly so, because, the respondent federation squarely falls within the ambit of term "Industry" as held in 1978 Lab. I. C. Page 467 between *Banglore Water Supply and Sewerage Board versus A. Rajappa and others*.

Issue No. 3

9. The issue was not pressed at the bar on behalf of the management.

Issue No. 4

10. The case of the petitioner does not fall within the ambit of term "retrenchment" as defined in section-2 (00) of the said Act, because on the date, petitioner's service were terminated, the petitioner had not put in 240 days of actual work with the respondent during the last twelve calendar months. The total service of the petitioner with the respondent as per his own showing is from 8th April, 1981 to 24th August, 1981. So termination of the petitioner cannot be held to be retrenchment as defined in section 2 (00) of the said Act and so, the petitioner cannot avail of the salutary provisions of section 25F of the said Act. So, the order of termination cannot be justifiably challenged by the petitioner.

11. In the light of my foregoing discussion, the petitioner does not deserve any relief. The reference is answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Dated the 6th January, 1986.

Endst. No. 21/85/171, dated 3rd February, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

The 13th March, 1986

No. 9/9/86-6Lab/2325.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. K. L. Nayar and Sons, Plot No. 33, Sector-6, Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 75 of 1984

between

SHRI BINDA BHAGAT, WORKMAN AND THE MANAGEMENT OF, M/S K. L.
NAYAR AND SONS, PLOT NO. 33, SECTOR-6,
FARIDABAD

Present.—

Shri Jawahar Lal, for the workman.

Shri R. C. Sharma, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between Shri Binda Bhagat, workman and the management of M/s. K. L. Nayar and Sons, Plot No. 33, Sector-6, Faridabad to this Tribunal, for adjudication :—

Whether the termination of service of Shri Binda Bhagat, was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. In the claim statement dated 14th August, 1984, it was alleged that the claimant was employed in the respondent factory on 2nd November, 1982 as helper on permanent basis and was drawing wages at the rate of Rs 358 per month. It was further alleged that the management terminated the services of the claimant without any charge or any cause and that no appointment letter etc. was given to him. It was further alleged that the provisions of section 25-F of the Industrial Disputes Act, 1947, were not complied with by the management and that the termination of services of the claimant was illegal. It was, therefore, prayed that the claimant be reinstated with full back wages.

3. The management in its written statement dated 6th September, 1984 pleaded that the claimant joined service of the management as temporary workman on 1st August, 1983 and that his services were terminated on 19th November, 1983. It was further pleaded that the claimant was gainfully employed and that the claimant was not entitled to any relief:

4. The claimant in his rejoinder dated 22nd October, 1984 reiterated pleas taken in the claim statement.

5. On the pleadings of the parties, the following issues were framed on 22nd October, 1984 :

(1) Whether the claimant was a temporary hand as alleged ? OPM

(2) Whether the termination of service of Shri Binda Bhagat was justified and in order ? If not, to what relief is he entitled ? OPM

6. It may be mentioned that the management has examined two witnesses and documents Ex.M-1 and M-2 have been tendered into evidence. The claimant has appeared in the witness-box and documents Ex. W-1 to W-9 have been tendered into evidence. After going through the entire evidence and hearing, the representatives of both the parties, my finding on the above issues are as under.

Issue No. 1.

7. The management has examined MW-1 Shri Rakesh Kumar, Time Keeper, who stated that he had brought the attendance register as well as payment of wages register and that the claimant was employed in the respondent factory on 1st August, 1983. He further stated that the services of the claimant were terminated on 23rd November, 1983. He also stated that the claimant was a temporary workman. MW-2 Shri Kali Charan Manager of the respondent factory, stated that the claimant was employed on temporary basis for four months,—vide application Ex. M-1 which was signed by the claimant and that the orders were passed by MW-2 thereon. He further stated that Ex. M-2 was the abstract of the attendance register and that wages were paid to the claimant by him. He also stated that the names of all the employees whether permanent or temporary were entered in the said register.

8. Shri Binda Bhagat has appeared as WW-1 and stated that he was employed in the respondent factory on 2nd November, 1982 as helper in Electric Department and that no appointment letter or pay slip etc. was issued to him. He further stated that he demanded these facilities from the respondents, but he was turned out by the management on 20th November, 1983 and that no notice pay or compensation was given to him. The documents Ex. W-1 to W-9 have been proved by the claimant.

9. A perusal of the above evidence would show that according to the testimony of WW-1 Shri Rakesh Kumar, Time Keeper and MW-2 Shri Kali Charan, Manager, the claimant was employed in the respondent factory on 1st March, 1983 and his services were terminated on 19th November, 1983. The recital made in the document Ex.W-1 show that the claimant was appointed on 1st August, 1983 because this date finds mention in the application form and also in the orders of appointment passed on that application in which it is mentioned that the claimant was appointed for four months with effect from 1st August, 1983. The entry in the attendance register copy Ex. M-2 goes to show that the claimant was marked present for the period 1st August, 1983 to 19th November, 1983. The oral evidence of the management thus find corroboration from the documentary evidence led by management.

10. The oral testimony of Shri Binda Bhagat WWI to the effect that he joined service on 2nd November, 1982 cannot be accepted because in the E.S.I. Identification Certificate copy Ex. W-1, the date of appointment of the claimant has been described as 1st August, 1983. The attendance card Ex. W-2 relates to the month of November, 1983 while the document Ex. W-3 relates to the month of October, 1983. The money order receipts Ex. W-4 and W-5 relates to August, 1983, while money order receipts Ex. W-6 and W-7 relate to October, 1983. These documents, therefore, do not help the claimant because they relate to period when the claimant was not in service of the respondent factory. The complaint Ex. W-8 is dated 22nd November, 1983 which was made after the claimant had left the job of the respondent factory. Ex. W-9 contains the report of the Conciliation Officer and is dated 31st January, 1984. As such the documentary evidence led by the claimant does not go to show that he was employed in the respondent factory on 2nd November, 1982, but on the other hand his own document Ex. W-1 shows that he was appointed on 1st August, 1983.

11. In view of the above discussion, it is held that the claimant was appointed on temporary basis with effect from 1st August, 1983 and remained in service of the respondent factory up to 19th November, 1983 as a temporary hand. The issue is decided accordingly in favour of the management.

Issue No. 2

12. In view of my finding on Issue No. 1 above the provisions of section 25-F of the Industrial Dispute Act, 1947, are not attracted to the facts of the present case because the claimant had not rendered 240 days continuous service, but on the other hand, he served in the respondent factory from 1st August, 1983 to 19th November, 1983 for 111 days only. As such, the termination of service of the claimant was justified and in order and, consequently, the claimant is not entitled to any relief. The award is passed accordingly.

Dated the 3rd March, 1986.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 140, dated the 3rd March, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 21st March, 1986

No. 9/86-6Lab./2569.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s S. G. Steel, Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 91 of 1984

between

SHRI LEKH CHAND, WORKMAN AND THE MANAGEMENT OF M/S S. G. STEEL
PVT. LTD., PLOT NO. 6, SECTOR 4, BALLABGARH

Present :

Shri Minohar Lal, for the workman.

Shri A. K. Sharma, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Lekh Chand and the respondent-management of M/s G. S. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/35-84/18962—68, dated 16th May, 1985 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Lekh Chand was justified and in order ? If not, to what relief is he entitled ?

The parties have settled their dispute. According to the statement of representative of parties, the workman has settled his dispute. Photo copy of the settlement is Ex. M-1. He has received Rs. 3,300 in full and final settlement of all his claims. Photo copy of the receipt is Ex. M-2. He has no right of reinstatement/re-employment with the management.

In view of the above settlement, the award is given that the dispute has been fully settled.

Dated the 21st February, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 725, dated the 16th March, 1986

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-Lab/2570.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER,
LABOUR COURT, FARIDABAD

Reference No. 354 of 1984

between

SHRI SHIV SINGH, WORKMAN AND THE MANAGEMENT OF M/S S. G. STEELS,
PVT. LTD., PLOT NO. 6, SECTOR 4, BALLABGARH.

Present :—

Shri Manohar Lal, for workman.
Shri A. K. Sharma, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Shiv Singh and the respondent-management of M/s S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh, has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/45-84/32095—100, dated 28th August, 1984 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Shiv Singh was justified and in order? If not, to what relief is he entitled ?

The parties have settled their dispute. According to the statement of representative of parties, the workman has settled his dispute. Photo copy of the settlement is Ex. M-1. He has received Rs. 6,300.00 in full and final settlement of all his claims. Photo copy of the receipt is Ex. M-2. He has no right of reinstatement/re-employment with the management.

In view of the above settlement, the award is given that the dispute has been fully settled,

Dated the 21st February, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 726, dated the 13th March, 1986

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required, under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-Lab./2571.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. S. G. Steels Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 356 of 1984

between

SHRI MATIBAL REHMAN, WORKMAN AND THE MANAGEMENT OF M/S. S. G. STEELS
PVT. LTD., PLOT NO. 6, SECTOR 4, BALLABGARH

Present :—

Shri Manohar Lal, for the workman.

Shri A. K. Sharma, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Mati Bal Rehman and the respondent-management of M/s S. G. Steels Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh, has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/77-84/32793—98, dated 30th August, 1984 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Mati Bal Rehman was justified and in order? If not, to what relief is he entitled?

The parties have settled their dispute. According to the statement of representative of parties the workman has settled his dispute. Photo copy of the settlement is Ex. M-1. He has received Rs. 2,750.00 in full and final settlement of all his claims. Photo copy of the receipt is Ex. M. 2. He has no right of reinstatement/re-employment with the management.

In view of the above settlement, the award is given that the dispute has been fully settled.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Dated the 21st February, 1986.

Endorsement No. 727, dated the 13th March, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.